

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #3	CCRB Case #: 201801492	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/10/2018 1:18 PM	Location of Incident: § 87(2)(b)	Precinct: 49	18 Mo. SOL 8/10/2019	EO SOL 8/10/2019	
Date/Time CV Reported Sun, 02/18/2018 11:39 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 02/22/2018 12:31 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT John Reinbold	02809	929021	INT PSS
2. Officers			049 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Eric Ramos	24101	953296	049 PCT
2. POF Rossiely Guzman	19373	959680	049 PCT
3. POM Germaine Peart	20019	959054	049 PCT
4. POF Aleska Castillo	17084	961672	049 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered § 87(2)(b)	§ 87(2)(b)
B.SGT John Reinbold	Abuse: SGT John Reinbold entered § 87(2)(b)	§ 87(2)(b)
C.SGT John Reinbold	Abuse: SGT John Reinbold forcibly removed § 87(2)(b) § 87(2)(b) to the hospital.	§ 87(2)(b)
D. Officers	Abuse: Officers searched § 87(2)(b)	§ 87(2)(b)

### Case Summary

On February 18, 2018, § 87(2)(b) filed this complaint over the phone with the CCRB.

On February 10, 2018, at approximately 1:18 p.m., § 87(2)(b) was in her home, located at § 87(2)(b), in the Bronx. Previously, she had gotten into an argument with a neighbor of hers, § 87(2)(b) and had allegedly struck § 87(2)(b) with a metal lock attached to the end of a belt. § 87(2)(b) called 911, and SGT John Reinbold, of the 49<sup>th</sup> Precinct, responded along with other officers. SGT Reinbold went to § 87(2)(b)'s apartment and spoke to her at her doorway. After speaking with her, SGT Reinbold determined that § 87(2)(b) was emotionally disturbed and he entered § 87(2)(b)'s apartment in order to secure her and have her removed to the hospital for medical treatment for her (**Allegations A, B, and C – Abuse of Authority:** § 87(2)(g)). While inside the apartment, officers allegedly conducted a search of the rooms and kitchen cabinets (**Allegation D – Abuse of Authority:**

§ 87(2)(g) § 87(2)(b) was taken to § 87(2)(b)

There is no video footage of this incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Officers entered** § 87(2)(b) **:**

**Allegation (B) Abuse of Authority: SGT John Reinbold entered** § 87(2)(b)

**:**

**Allegation (C) Abuse of Authority: SGT John Reinbold forcibly removed** § 87(2)(b) **to the hospital.**

**Allegation (D) Abuse of Authority: Officers searched** § 87(2)(b) **:**

§ 87(2)(b) (Board Review 01) stated that she called the police on § 87(2)(b) after § 87(2)(b) flicked the ash of a cigarette at her as she was taking out the garbage in a communal hallway. Officers responded to her home, and immediately entered her apartment after she opened the door for them. Several officers who she could not describe in detail went through all the rooms of her apartment, and opened kitchen cabinets, ostensibly looking for medication for § 87(2)(b). After that, they placed § 87(2)(b) in handcuffs and brought her outside to an ambulance. They later told her that she was being aggressive with the officers. § 87(2)(b) denied during her CCRB interview that she was on any psychiatric medication at the time.

§ 87(2)(b) (Board Review 03) stated that she called the police on § 87(2)(b) after she, completely unprovoked, attacked § 87(2)(b) with a padlock attached to the end of a belt as she went to take out the garbage in the hallway they share. When the officers arrived, § 87(2)(b) told them about the incident, and also said that she believed that § 87(2)(b) her next door neighbor, suffered from mental health problems and possible drug problems. She had no further knowledge of what happened with § 87(2)(b) after she spoke with police officers.

The Event (Board Review 04) related to this incident corroborates § 87(2)(b)'s statement about why she called the police, and records no 911 call from § 87(2)(b). § 87(2)(b)'s medical records (Board Review 02) show that she was held for § 87(2)(b), and was described as coherent but illogical when she arrived at the hospital. The hospital records show that medical personnel were told that § 87(2)(b) had been taken into custody after she attacked § 87(2)(b).

SGT Reinbold (Board Review 05) could not recall the allegations made by § 87(2)(b). He stated that he made the determination that § 87(2)(b) was emotionally disturbed after speaking with her at her doorway. During this conversation, § 87(2)(b) was irrational and combative, and SGT Reinbold was able to see that § 87(2)(b)'s apartment was in disarray. He also had prior experiences with § 87(2)(b) and she was well known in the precinct for needing emergency medical treatment for psychiatric issues. He denied that § 87(2)(b) had threatened others or herself. At one point, while they spoke at her doorway, § 87(2)(b) walked back into her apartment, away from the officers, and SGT Reinbold decided to enter the apartment to detain her. He was concerned that § 87(2)(b) because of her mental state, would be a threat to herself or the officers if they lost control of her. The entry was confined to the front of the apartment, and no officers ever conducted a search.

The other officers interviewed, PO Ramos (Board Review 06), PO Guzman (Board Review 07), PO Peart (Board Review 08), and PO Castillo (Board Review 09), could either not recall the incident, or not recall precisely why medical attention was called for § 87(2)(b) aside from that she appeared to be having a psychiatric episode. None of them could recall entering § 87(2)(b)'s apartment.

Under the provisions of Patrol Guide Procedure 221.13 (Board Review 10), officers should obtain medical treatment for anyone who is emotionally disturbed and may pose a threat to themselves or others. Under the emergency exception to the warrant requirement, officers may enter a residence if there is an emergency, including the need to protect citizens from harm and render medical assistance to those already harmed (People v. Rodriguez, 77 A.D.3d 280 [2010]) (Board Review 11).

§ 87(2)(g)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to four CCRB complaints and has been named as a victim in eight allegations (Board Review 12):

- § 87(2)(b)

○ § 87(2)(b)

- SGT Reinbold has been a member of service for 17 years, and this is the first CCRB case in which he has been a subject (Board Review 13).

**Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- As of December 10, 2018, there has been no Notice of Claim filed with the New York City Comptroller's Office regarding this incident (Board Review 14).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date